

RESOLUTION 10 - 2021

THE TOWN OF FOREST HEIGHTS, MARYLAND

A RESOLUTION TO APPROVE THREE (3) CONTRACTS INCLUDING A CONTRACT TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR A NEW PUBLIC SAFETY CENTER BUILDING FOR THE POLICE DEPARTMENT TO BE LOCATED AT 606 MODOC LANE; TO APPROVE A CONTRACT TO DEMOLISH THE EXISTING STRUCTURE AT 606 MODOC LANE; AND TO APPROVE A SOLE SOURCE CONTRACT WITH MODULAR GENIUS FOR A MODULAR BUILDING TO HOUSE THE PUBLIC SAFETY CENTER; AND TO DELEGATE CERTAIN CONTINGENCY FUNDING AND CHANGE ORDER OBLIGATION AUTHORITY TO COMPLETE THE PROJECT TO THE MAYOR FOR THE CONSTRUCTION OF A NEW MODULAR PUBLIC SAFETY CENTER BUILDING

Introduced By: Mayor Muhammad

WHEREAS, the Town Council has authority to approve contracts and procurements pursuant to the Town Charter, Section 33.63, and Town Code 20.4; and

WHEREAS, the Town Charter, § 33-63(f) authorizes the Town to forego the normal procurement process through cooperative purchasing in certain cases where another government entity or association has already made a competitive purchase of said item and, provided that such local government or association has adopted procurement regulations that are comparable to those enacted by the Town, the Mayor and Council may, without soliciting bids, purchase the item in question at the bid price from the successful bidder, if the Mayor and Council determines that the bid price is competitive, and

WHEREAS, the Town Charter, § 33-63(g) further authorizes the Mayor and Council by a two-thirds vote to waive the competitive bidding requirements of said Charter section for good cause shown for sole source procurements of unique products and services, and that written findings as to the basis of such waiver shall be placed in the journal of the Council's proceedings, and

WHEREAS, the Town Ordinance Code, § 20.4(a)(6) states that upon written findings entered into the journal, the Mayor and Council may exempt the purchase of a good or service from competitive selection processes when the purchase qualifies as a sole source procurement as a result of several circumstances including: (i) One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service or (ii) the procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, and could most satisfactorily provide the good or service, and

WHEREAS, the Town, in March of 2013, purchased certain real property developed with a house, and attached garage located at 606 Modoc Lane adjacent to and abutting the municipal building parcel (Parcel E), and the Town has implemented plans to renovate said property for a Town police station; and

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WHEREAS, the Mayor and Town Council find that the previously approved project for the Police Department building located at 606 Modoc Lane has not yet been completed, had been delayed, and that a new project committee has been formed known henceforth as the Modoc Lane Project Committee to coordinate the completion of said building (the "Project") with Police A/Capt. Marcus Jones serving as committee project manager; and

WHEREAS, the Town has spent significant money in an attempt to complete this project over the years (i.e., approximately \$500,000.00) but, because of an inability to secure an adequate project construction and management firm and other related project management issues, the project remains incomplete; and

WHEREAS, due to the length of time the building has sat unoccupied, it has been determined that the renovation needed to finish the project in its current state would be too costly versus new building construction considering the remaining construction that is required, as well as the repairs and upgrades necessary to bring the structure up to Code and ADA standards; and

WHEREAS, it has also been determined that the existing building is obsolete in terms of design, office space square footage requirements and functionality and is no longer suited for the needs of the public, and the Police Department; and

WHEREAS, upon reasoned deliberation and recommendation from the Modoc Lane Project Committee, the Mayor and Town Council find it in the best interest of health, safety and welfare of the Town and consistent with its fiduciary responsibilities to completely raze the existing structure located at 606 Modoc Lane and construct a new structure in its place; and

WHEREAS, on March 1, 2021, the Council approved Resolution 06-2021, as amended, thereby approving the proposals for the three (3) contracts regarding 606 Modoc Lane to be approved by this Resolution.

NOW THEREFORE BE IT RESOLVED, that subject to the terms and conditions of the contract to be entered into between the parties as authorized by this Resolution, Nehemiah Management located at 8787 Branch Avenue, Suite #27, Clinton, Maryland 20735 has been awarded the construction management contract in accordance with Town procurement law for the new Police Department building located at 606 Modoc Lane.

AND, BE IT FURTHER RESOLVED, that subject to the terms and conditions of the contract to be entered into between the parties as authorized by this Resolution, The Dirt Express Company located at P.O. Box 186, Glen Burnie, Maryland 21060 has been awarded the demolition services contract in accordance with Town procurement law for the new Police Department building located at 606 Modoc Lane.

AND, BE IT FURTHER RESOLVED, that Modular Genius, Inc. is hereby considered to be quite obviously the most qualified and eligible vendor to provide this service and goods; and, the procurement is of such a specialized nature and related to a specific geographic location that

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only a single source is reasonably available by virtue of experience, expertise, and proximity per the stipulations contained within Town Code Section 20.4 (6) (I) and (II).

AND, BE IT FURTHER RESOLVED, that subject to the terms and conditions of the contract to be entered into between the parties as authorized by this Resolution, Modular Genius a Maryland Corporation in good standing located at 1201 South Mountain Road, Joppa, Maryland 21085 has been awarded the turn-key permanent modular construction contract through sole source procurement for the new Police Department building located at 606 Modoc Lane.

AND, BE IT FURTHER RESOLVED, the Town authorizes said contracts for construction management, construction, and demolition services and to be appropriated and paid from Line Item 8038 – Modoc Building of the FY 2021 Budget; and

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the contract to be executed by the Mayor on behalf of the Town (the “Contract #1”), and attached hereto and incorporated by reference herein as Exhibit A, for the above-described construction management services to be provided by Nehemiah Management thereby purchasing services at a total cost of \$100,900.00.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the contract to be executed by the Mayor on behalf of the Town (the “Contract #2”), and attached hereto and incorporated by reference herein as Exhibit B, for the above-described demolition services to be provided by the Dirt Express Company thereby purchasing services and material at a total cost of \$59,800.00.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby conditionally authorize, and approve the contract to be executed by the Mayor on behalf of the Town (the “Contract #3”), and attached hereto and incorporated by reference herein as Exhibit C, for the above-described 2-story modular building construction to be provided by Modular Genius, Inc. thereby purchasing services and material at a cost of \$1,771,672.00, provided that said Contract #3, as further amended, is found in writing to be legally sufficient by the Town Attorney.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorizes, delegates and approves the use and expenditure of contingency funding for this Project in the form of change orders to contracts and additional payment obligations of the Town to be entered into and executed by the Mayor on behalf of the Town after recommendation from the Project Committee, for the above-described 2-story modular building construction services thereby purchasing services and material in an amount not to exceed \$167,628.00.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the Mayor, or the Town Administrator with the consent of the Mayor, on behalf of the Town to execute and approve the above-described

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contracts and any other related instrument or document necessary to carry out the intent of this Resolution except that any change order or cumulation of change orders for this Project exceeding the above-referenced contingency allocation of \$167,628.00 shall be approved by the Town Council.

AND, BE IT FURTHER RESOLVED, that prior to the Mayor signing the approved contract of Nehemiah Management, The Dirt Express Company, and Modular Genius, said companies shall provide a certificate of good standing and proof of insurance and written assurances holding harmless and indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractors shall agree by signing a release and waiver that it will provide and maintain at all times during the term of the applicable agreement, or any other contract that it has with the Town, such insurance coverage (e.g., Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town; and

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

PASSED this 17th day of March 2021.

APPROVED: By resolution of the Town Council of the Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

yea

KENNEDY II

yea

ATKINSON

yea

BARNES

yea

HINES

yea

WASHINGTON

yea

NOBLE

yea

ATTEST:

THE TOWN OF FOREST HEIGHTS, '
 MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By:

Habeeb-Ullah Muhammad, Mayor

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By: 
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 17th of March 2021 with 7 Aye votes and 0 Nay vote the aforesaid Resolution 10-21 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

[Exhibits A, B, & C- Modoc Lane Project Contracts]